Anno primo

Georgii III. Regis.

An Act to amend and render more effectual an Act passed in the Thirty first Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from* Leeds *to* Sheffield, *in the County of* York.

WHEREAS by an Act made in the Thirty first Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing the Road from *Leeds* to *Sheffield*, in the County of *York*, certain Tolls and Powers were granted for amending, widening, and keeping in Repair, the said Road: And the said Road is by the said Act divided into Two Districts; and such Part of the said Road as lies between Leeds and Wakefield, is declared to be One District; and such Part of the said Road as lies between Wakefield and Sheffield, through Barnsley, the other District: And whereas the said Act, so far as the same relates to the said last-mentioned District of Road, is, in many Respects, defective, and is insufficient fully and effectually to answer the good Purposes thereby intended; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, Preamble, reciting the Act 31 *Geo.* II.

New Toll to be taken for Neat Cattle, instead of that granted by the former Act.

bled, and by the Authority of the same, That instead of the Toll by the said Act authorized to be taken for the Passage of Oxen, or Neat Cattle, on that District of Road which lies between Wakefield and Sheffield, it shall and may be lawful for the Trustees, appointed or to be appointed to put the said Act in Execution, or any Nine or more of them, or for such Person or Persons as they, or any Nine or more of them, shall authorize or appoint, to demand and take, before any Oxen or Neat Cattle shall be permitted to pass through any of the Gates or Turnpikes erected or to be erected within the said District of Road;

The Toll.

The Sum of Ten Pence per Score for every Drove of such Oxen or Neat Cattle, and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

Which Toll shall be, and the same is hereby vested in the said Trustees, and shall and may be collected, levied, and recovered, in such Manner, and shall be applied to such Uses, Intents, and Purposes, as the other Tolls, directed by the said Act to be taken within the said District, are to be collected, levied, recovered, and applied.

Tolls to be paid but Once a Day.

And be it further enacted by the Authority aforesaid, That the Tolls by the said Act and this Act authorized and directed to be taken within the said District of Road between Wakefield and Sheffield, shall and may be demanded, taken, levied, and recovered, at such and so many of the Gates or Turnpikes erected or to be erected within the said District, by virtue of the said former Act, as the said Trustees, or any Seven or more of them, shall from time to time order and direct; so as the same do not extend to charge any Person or Persons with the Payment of more than Four full Tolls, for passing or repassing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, with the same Horses, Cattle, Beasts, or Carriage, through all or any of the Gates or Turnpikes erected or to be erected by virtue of the said Act cross the said Road, or on the Sides of, or cross any Lane or Way leading into the said Road, between the Towns of Wakefield and Sheffield; nor to charge any Person or Persons with the Payment of more than One full Toll in any One Day, to be computed as aforesaid, for passing or repassing through any One of such Gates or Turnpikes: but that all and every such Person or Persons, after having paid such Tolls or Toll respectively as aforesaid, shall, upon producing a Note or Ticket,

Notes

Notes or Tickets, denoting such Payments or Payment, afterwards pass with such Horses, Cattle, Beasts, or Carriage, Toll-free, during such Day, upon the respective Part or Parts of the said Road, wherein or in relation whereto such Payments or Payment respectively were or was made; which Notes or Tickets the Collectors of the Tolls are hereby required to give gratis, on the Receipt of the Toll, any thing in the said former Act contained to the contrary notwithstanding.

Trustees may lessen the Toll.

And be it further enacted by the Authority aforesaid, That it shall not be lawful for the said Trustees, nor for any of them, at any Time during the Continuance of the said Act, to lessen or reduce all, or any, or any Part of the Tolls authorized to be taken within the said District, unless the Person or Persons, who shall be intitled to One Half or more of the Money advanced upon the Credit of the Tolls within such District, shall signify their Consent thereto in Writing, at any Meeting or Meetings of the said Trustees, or any Nine or more of them; nor shall any Composition be made by the said Trustees, or any of them, for or in respect of the Passage, within the said District, of any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Nine Inches; nor for or in respect of any Horses, Cattle, Beasts, or Carriages, travelling for Hire within such District, except Stage Coaches travelling betwixt Wakefield and Sheffield; any thing in the said former Act contained to the contrary thereof in any wise notwithstanding.

And whereas, by the said Act, Power is given to divert or turn the Road thereby directed to be repaired, over any Part of the Moors or Waste Grounds contiguous or adjoining thereto, or through which the said Road doth pass: And whereas it would be an Advantage to the said District of Road between Wakefield and Sheffield, and an Accommodation to all Persons travelling thereon, if Power was given to divert or turn the said Road through private Grounds or Hereditaments: Be it therefore further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall have full Power and Authority, at such Time or Times, during the Continuance of the said Act, as they, or any Seven or more of them, shall think proper, to divert or turn the Course or Path of any Part or Parts of the said Road between Wakefield and Sheffield, through any private Grounds or Hereditaments, first paying for the same, or making Satisfaction to the Owners of, and Persons interested therein, for the Damage they may thereby sustain: And for

Trustees may make a temporary Road;

making Satisfaction to the Owners.

Trustees may contract with Persons for the Purchase of Lands, &c. to be laid into the Road, &c.

that Purpose it shall be lawful for the said Trustees, or any Seven or more of them, to treat, contract or agree with the Owners of, and Persons interested in, any Lands or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners, or Persons interested, or any of them, shall or may any ways sustain by such diverting or turning any Part of such Road: And it shall be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in, any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Seven or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Seven or more of them, all or any of such Lands or Hereditaments, as Occasion shall be or require; and all Contracts, Sales, and Conveyances, which shall be so made, shall be valid and effectual in the Law, to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act: And if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons, interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments so to be taken in and added to the said Road, or into or through which such Road is to be turned as aforesaid, shall, by the Space of Thirty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or by reason of Absence shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be inquired into, and ascertained, by and upon the Oaths of a Jury of Twelve indifferent

Bodies Politick, &c. may contract for the Sale of Lands, &c.

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

Men

Men of the County in which such Lands or Hereditaments, so to be taken in, do lie (which Oaths any Two or more of the Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or upon Account of the taking of such Lands or Hereditaments into the said Road, or of turning such Road into or through the same; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary or proper to be examined, as a Witness or Witnesses, touching or concerning the Premisses (which Oath any Two or more of such Trustees are hereby impowered to administer) and they shall also order and cause the said Jury to view the said Places in Question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands or Hereditaments, according to such Verdict or Inquisition of such Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, or in Intail General or Special, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Lands or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same. And for the summoning and

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be final and conclusive.

Trustees to issue their Warrants to the Sheriff, &c. to impanel a Jury.

and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County in which such Lands and Hereditaments, so to be taken in, do lie, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: And the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, and, being so sworn, and refusing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, touching the Premisses, shall refuse or neglect to appear, or appearing shall refuse to be examined and give Evidence, and from time to time to levy and apply such Fine or Fines in the same Manner as any other Forfeiture or Penalty is by the said former Act directed to be levied and applied, so as that no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, nor be more than the Sum of Forty Shillings upon any other Person, for One Offence.

Trustees may impose a Fine on the Sheriff, &c. making Default in the Premisses.

Fine not to exceed 10 *l.*

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by

the said Act and this Act authorized and directed to be taken within the said District of Road between Wakefield and Sheffield, or out of the Monies to be borrowed on the Credit thereof, to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, or in case they cannot be met with, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons or their Agents, or left at their Places of Abode, or with the Tenant or Occupier of such Lands or Hereditaments, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into or add to the said District of Road, such Lands or Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands or Hereditaments, as the said Trustees, or any Five or more of them, shall think fit; and after the Purchase of such Lands or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment, or in case of Refusal to accept the same, or in case the Parties cannot be met with, then, upon such Notice given as aforesaid, such Lands or Hereditaments shall be laid into and made Part of the said District of Road, in such Manner as the said Trustees, or any Five or more of them, shall order and direct, and shall be by them, or any Five or more of them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes, become and be, and be deemed and taken to be, a Common Highway, and be from thenceforth Part of the said District of Road for ever after, and shall be repaired and kept in Repair in such Manner as the said District of Road is by the said Act, or any other Law, directed to be repaired; and from thenceforth all Parties and Persons whatsoever shall be divested of all Right and Title to such Lands and Hereditaments; but this Act shall not extend to the taking down any Dwelling-house or other Building, or to take in any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or Nursery of Trees, or any Part thereof; any thing herein contained to the contrary notwithstanding.

Lands, &c. when purchased, to be made Part of the Road,

and deemed a publick Highway, and kept in Repair as such.

Buildings, &c. not to be damaged.

Provided always, That from and immediately after the said new Road shall be completed, such former Road shall cease to be a publick Road, and all Statute-work

Penalty on Persons evading the Tolls.

shall be discontinued thereupon; and all Persons passing, to avoid the Toll, or any Part thereof, or permitting any Person or Persons to pass thereupon, whereby the Payment of the Toll, or any Part thereof, may be evaded, shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Trustees may appoint a Collector, in case of Death or Incapacity.

And be it further enacted by the Authority aforesaid, That as often as any Collector of the Tolls upon the said District of Road shall die, or be incapable of performing his Duty, it shall be lawful for any Seven or more of the said Trustees, though not assembled at a Meeting in pursuance of the said Act, by any Writing under their Hands, to appoint any other Person to collect such Tolls; and the Person so appointed shall have the same Authority for Recovery thereof as the Person he shall succeed was vested with until the Trustees, or any Seven or more of them, shall, at a Meeting to be held by virtue of the said Act, appoint a Collector of such Tolls.

Officers not to gain any Settlement.

And be it further enacted by the Authority aforesaid, That no Collector, Surveyor, or other Officer, appointed by virtue of the said Act for, or acting in the Execution of the said former Act or this Act in relation to, the said District, shall gain a Settlement in any Parish or Place, by reason of his being appointed to, or serving in, such Office.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, out of the Monies which have arisen by virtue of the said former Act, or out of the First Monies that shall arise by virtue of the said former Act and this present Act, within or in respect of the said District of Road between Wakefield and Sheffield, pay and discharge all the Expences and Charges incident to, and attending the obtaining and passing of this Act of Parliament.

Commencement and Continuance of this Act.

And be it further enacted, That this Act shall commence from the Day of passing thereof, and be in Force during the Continuance of the said former Act.

Powers of the former Act extended to this.

And be it further enacted by the Authority aforesaid, That all the Powers and Provisions, with respect to Penalties and Forfeitures, and to the Methods of recovering the same, and also all other Matters and Things contained in the said former Act, and not hereby varied or altered, shall extend to the Execution of this Act, in as full and ample Manner as if the same were herein specially repeated and re-enacted.

Writings to be without Stamps.

And be it further enacted, That no Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees, or any Justice or Ju-

ſtices of the Peace, relative to the Execution of this Act, or any Deed or Conveyance to be made by virtue or in purſuance of this Act, ſhall be charged or chargeable with any Stamp Duty whatſoever.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, until Ten Days Notice ſhall be thereof given to the Clerk or Clerks to the ſaid Truſtees, or after a ſufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not elſewhere; and the Defendant or Defendants, in every ſuch Action or Suit, ſhall and may plead the General Iſſue, Not Guilty; and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to be ſo done, or that ſuch Action or Suit ſhall be brought before Ten Days Notice ſhall be thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be Nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch other Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be, a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

FINIS.